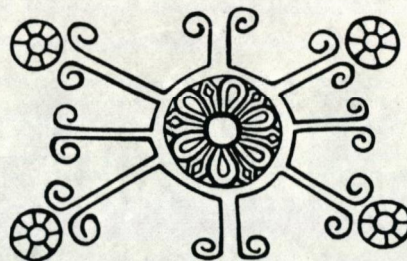


EAST TIMOR

Statement
to the United Nations
Decolonisation Committee

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BY:
KOMITEE INDONESIA
EAST TIMOR WORKING GROUP
FUNDORGANISATION XMINUSY

C/O KOMITEE INDONESIA, P.O. Box 40066, 1009 BB AMSTERDAM
THE NETHERLANDS
TEL.: (20) - 6936050; FAX: C/O WEMOS (20) - 6684085

Mr. Chairman and honorable members of the Special Committee on Decolonisation,

In the first place the Komitee Indonesia, the East Timor Working Group, and the Funding Agency XminusY, welcome this opportunity to once again petition the Special Committee concerning East Timor. We have followed the developments in East Timor since the Indonesian invasion in 1975. However, at the same time we regret that East Timor is still on the list of non-autonomous territories of this Committee. We deeply regret that the East Timorese people are still denied their inalienable, internationally recognised right to self-determination and still have to face the illegal occupation and colonisation of their country by the Republic of Indonesia.

In this UN-decade of Decolonisation it is our strong hope that this Committee and other UN-agencies will redouble their efforts to address the right of the people of East Timor to freely determine their own political, cultural and socio-economic future.

Mr. Chairman,

All territories in the process of decolonisation are as important as each other.

We therefore welcome the statements made by the Secretary General of the UN, Dr. Javier Perez de Cuellar, during a meeting with a delegation of Parliamentarians for East Timor, on 25 March 1991. The Secretary General reaffirmed that all UN-Resolutions as adopted by the General Assembly and Security Council with regard to East Timor hold true. The Secretary General said the question of East Timor had equal weight at the UN with the already solved question of Namibia and the question of the Western Sahara. He also stressed that any solution to the question of East Timor could only be reached after due consultation with the people of the territory.

It must be a support to this Committee to notice a growing interest in the territory of East Timor among the world. To give only some examples:

In November 1990, 223 members of the US Congress expressed to the US Secretary of State, James Baker, their concern about repeated, unexplained detention and abuse of young Timorese, torture, and repression against those East Timorese who are peacefully attempting to express their views. In the letter dated 19 November 1990, the US Congress members write:

'Indonesian military policies and actions, such as restrictions on where Timorese villagers can farm their crops, are causing periodic cycles of hunger and malnutrition in East Timor'.

In the letter is also for the first time referred to the crucial question of Washington supporting a process of peace talks to lead to negotiations without pre-conditions.

In our own country, a majority in Parliament requested the Dutch government (presently chairing the European Community) to do everything possible in support to finding a true and peaceful solution that contributes to the implementation of the right of self-determination of the East Timorese people.

We also welcome the resolution on East Timor as adopted in the end of

June by the Parliamentary Assembly of the Council of Europe. A resolution calling on member states to impose an arms embargo against Indonesia and urging countries with strong economic links with Indonesia to exert pressure for an end to human rights abuses in East Timor.

Mr. Chairman,

We would like to draw this Committee's attention to four topics related to future developments in East Timor.

Firstly: In February this year the Portuguese government has filed in the registry of the International Court of Justice (The Hague, The Netherlands) an Application instituting proceedings against the Commonwealth of Australia in dispute concerning the agreement between Indonesia and Australia about the exploration and exploitation of the continental shelf in the area of the 'Timor Gap'. Indonesia does not accept the jurisdiction of the Court and is therefore not directly included in the action. We welcome the initiative taken by the Portuguese government.

To this Committee we would like to express our concern that despite the case filed in International Court both Australia and Indonesia are proceeding with the implementation of their illegal agreement. A so-called 'Joint Authority Head Office' is opened in Jakarta, whereas the technical Directorate of this 'Authority' is based in Darwin, Australia. Seismic surveys of the areas are under way and the 'directorate' announced that bids for contract areas would be invited.¹ We urge this Committee to ask the Court to impose provisional measures requiring Australia and Indonesia to desist from putting the Treaty into practice.

Secondly: Next year general elections will take place in Indonesia. We urge this Committee to openly protest to the Indonesian government that the territory of East Timor is included in these elections. We are convinced that the Indonesian government again will claim, like it did in 1987, that the illegal elections in East Timor 'will again prove that the East Timorese have recognised the fact' that they are part of Indonesia.²

During the illegal elections in 1987, in the district of Aileu (to the south of Dili) 327 percent of enlisted votes were counted. Special voting arrangements had been established. Voters in East Timor had to place their voting slips in the box of the 'chosen' party without piercing a party symbol or doing anything to the slip, thus enabling election officials to check on how they voted. Voters had first to surrender their 'model-C form' and announce their name to an official who then handed out a voting slip which had to be immediately placed in a party box. Jakarta evidently regarded the illegal election in its colonial territory as needing great control.

Thirdly: We are deeply concerned about new land-title transfer regulations to be introduced in East Timor by the Indonesian authorities.³

Various international conventions (The Hague, Geneva) forbid an occupying power from confiscating private property. But the new rules give opportunity to exactly do so, aiming to finally complete the Indonesian take-over. Indonesian law and the constitution stipulate that land has a 'social function'. At base, all land is owned by the

state, giving the state also mineral rights. We would like to note that East Timor - a territory rich in manganese, gold, oil and gas - was recently included in a list of frontier areas for mining minerals. New investors interested in opening up mining areas can enjoy fiscal incentives, a favorable tariff on tax on land and buildings, and are required to pay only one US dollar for each square kilometer of land in which they are exploring for minerals.⁴

The law prohibits non-Indonesian citizens to own land. In practice this will mean that all East Timorese who did not accept Indonesian citizenship forced upon them, will lose their rights to own land and can be effectively dispossessed of their land without compensation. The new land-title transfer regulations seem to be no more than a safeguard for the Indonesian authorities to deny the East Timorese their right to permanent sovereignty on natural resources and wealth.

Fourthly: We would like to express the sincere hope that a delegation of the Portuguese Parliament will be able to visit East Timor before October this year and that the UN-led technical mission to prepare this visit will find no obstructions on its way. We hope that UN-officials accompanying the delegation will be able to guarantee free movement, free speech, and physical safety for all those East Timorese who will meet with the delegation and who want to express their thoughts and feelings.

Portugal is still the Administering power according to the UN. As the representative of Portugal, Mr. Quartin-Santos stated last year before this Committee: Portugal is not reflecting any backward ambition of colonial domination, but firmly committed to bring about a just solution to the question of East Timor that will take duly into account the legitimate rights of the East Timorese.⁵

Mr. Chairman and honorable members,

Since mid-1990 the eyes of the world have been directed to the conflict in the Middle East, following Iraq's invasion of Kuwait. We think it would be a good idea if a study would be made on the reasons why the invasion and annexation of a small country by a powerful neighbor in one part of the world leads to the mobilisation of the largest military force in recent history, while a similar event in another part of the world is seemingly met by indifference, if not silent or outright approval.

Inspired by the reports of the Palme Commission, Brundtland Commission, and the South Commission, the so-called Stockholm Initiative recently wrote a report on 'Common Responsibility in the 1990's'. The Memorandum was also signed by the Indonesian Minister of Foreign Affairs, Ali Alatas. About the conflict in the Middle East and lessons to be learned we read that this conflict:

'... has revealed weaknesses existing in the present system for international peace and security. Freed from the constraints of the Cold War, the United Nations did respond in an unprecedentedly speedy way to the crisis. Yet, the organisation was neither in a position to prevent the crisis, nor to solve it in a peaceful manner. (...) World leaders must now act determinedly to build a new system for peace and security, on both global and regional scale. Such a new system must meet the interests of all nations, strong and weak alike. Resolute action must be taken by the United Nations whenever international law is broken. A system of security, on global and regional levels, cannot but be build on principles of sovereignty

and universality, and not on the military might of individual powers. (...) After a decade, the greater part of which was characterized by selfishness and arrogance, we need to restore global morality. We need a new world order, based on justice and peace, democracy and development, human rights and international law.'6

In East Timor the people still face injustice, war, colonialism and abuses of human rights and international law. All inflicted upon them by the Indonesian military and other Indonesian authorities. War rages and resistance to Indonesian rule is clearly manifest in the urban as well as rural areas. We strongly ask this Committee to show the political will to uphold the UN-Charter and to take steps that lead to an effective implementation of the right of the East Timorese people to self-determination. The East Timorese are in a hurry to see the burden of occupation and repression being lifted. They are looking forward to peace and international justice in full respect of the UN-Charter. It is therefore that we ask your attention for existing proposals to reach a solution. A solution that can only be durable and truly reached when representatives of the East Timorese people will be directly and fully consulted. To quote the present leader of the East Timorese National Resistance Forces, Xanana Gusmao:

'I would agree to the territory being placed under a UN administration as the first step towards seeking a final solution. I have already stated and will repeat that I am interested in discussing any plan for a solution under the supervision of the UN and under conditions of a ceasefire'.

This call for negotiations was expressed during a historic meeting between Xanana Gusmao and the Australian lawyer, Robert Domm, on 27 September 1990, in the mountains of East Timor. The meeting would not have been possible without the support of a well-organised resistance network linking urban resistance with guerrillas in the bush.

Thank you for your attention.

1. see Jakarta Post, 23 April 1991.
2. see Jakarta Post, 11 February 1987.
3. see Inside Indonesia, March 1990, pp.9-11; Jakarta Post, 5 April 1991.
4. see Jakarta Post, 22 April 1990.
5. Statement of the Representative of Portugal, Mr. Rui Quartin Santos, before the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the Question of East Timor. New York, 9 August 1990, p.3.
6. The Stockholm Initiative on Global Security and Governance (April 22, 1991), 'Common Responsibility in the 1990's', Stockholm: Stockholm Initiative on Global Security and Governance. pp. 1-2.